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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,064	03/25/2004	Scott R. Conley	87610AEK	7002

7590 01/19/2006  
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EXAMINER

KUGEL, TIMOTHY J

ART UNIT PAPER NUMBER

1712

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,064	<b>Applicant(s)</b> CONLEY ET AL.	
	<b>Examiner</b> Timothy J. Kugel	<b>Art Unit</b> 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 2,7,11,14,16,19,20,22,23,28,29 and 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-10,13,15,17,18,21,24-27 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-33 are pending as filed on 25 March 2004. Claims 2, 7, 11, 14, 16, 19, 20, 22, 23, 28, 29 and 31-33 are withdrawn from consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election/Restrictions***

3. Applicant argues in the reply filed 14 December 2005 that claims 5, 6, 25, 26 and 27 should not have been withdrawn from consideration as they read on the elected species. Claim 27 is not an issue as it was fully considered in the previous Office action. On further review, the Examiner agrees that claims 5, 6, 25 and 26 should be rejoined and they are fully considered below. It is noted that applicant was advised that a reply to the restriction requirement mailed 6 July 2005 was required to include an identification of the species elected consonant with the requirement, and a listing of all claims readable thereon, including any claims subsequently added.

### ***Specification***

4. Applicant is reminded that lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
5. Applicant is further reminded that the incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to

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include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

### ***Double Patenting***

6. The rejection of Claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 24, 27 and 30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4, 12 and 13 of U.S. Patent No. 6,828,044 (Conely '044 hereinafter) is maintained for the reasons of record. Applicant's arguments filed 14 December 2005 did not address this rejection.

7. Applicant's terminal disclaimer, filed 14 December 2005, has been fully considered and is proper.

The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17 and 24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,670,053 (Conley '053 hereinafter) has been withdrawn.

The provisional rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18 and 21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of copending Application No. 10/662,272 has been withdrawn.

The provisional rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5, 24 and 33 of copending Application No. 10/803,770 has been withdrawn.

The provisional rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24 and 30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 23, 24 and 39 of copending Application No. 10/897,357 has been withdrawn.

The provisional rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 21, and 24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 11/076,720 has been withdrawn.

The provisional rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 21, and 24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 11/136,768 has been withdrawn.

***Claim Rejections - 35 USC § 102***

8. Applicant's arguments, filed 14 December 2005, particularly that the prior art references cannot support anticipatory rejections due to the number of potential substituents, have been fully considered and are persuasive.

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The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 under 35 USC 102(e) as being anticipated by US 6,661,023 (Hoag hereinafter) has been withdrawn.

The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24 and 30 under 35 USC 102(e) as being anticipated by US 6,670,053 (Conley '053 hereinafter) has been withdrawn.

The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 under 35 USC 102(e) as being anticipated by US 6,828,044 (Conley '044 hereinafter) has been withdrawn.

The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 under 35 USC 102(e) as being anticipated by US Patent Application Publication 2004/001969 (Cosimbescu '969 hereinafter) has been withdrawn.

The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24 under 35 USC 102(e) as being anticipated by US Patent Application Publication 2005/0058853 (Cosimbescu '853 hereinafter) has been withdrawn.

The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 under 35 USC 102(e) as being anticipated by US Patent Application Publication 2005/0181232 (Ricks hereinafter) has been withdrawn.

The rejection of claims 1, 3, 4, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 under 35 USC 102(e) as being anticipated by US Patent Application Publication 2005/0208329 (Conley '329 hereinafter) has been withdrawn.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoag.

Hoag teaches an organic light emitting diode device (Abstract, Figure 1 and Column 1, Lines 11-16) comprising an anthracene host as shown by compound F when  $R_1$ - $R_5$  are hydrogen and  $R_6$  is a phenyl group (Column 18 Line 63 – Column 19 Line 31)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Column 19 Lines 30-45) capable of emitting white or blue light (Column 18 Line 63-67 and Column 19 Lines 1-14) and a method of emitting light comprising subjecting the device to an applied voltage (Column 13 Lines 10-30).

Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Hoag at the time this invention was made, or was subject to a joint research agreement at the time this invention was made. However, Hoag additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

11. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Conley '053.

Conley '053 teaches an organic light emitting diode device (Column 1 Lines 5-10) comprising the elected anthracene host as shown by compound F when  $R_1$ - $R_5$  are hydrogen and  $R_6$  is a phenyl group (Column 13 Lines 16-67, Claim 10)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L2 Column 14 Lines 42-54) capable of emitting blue light (Column 13 Lines 16-20) and a method of emitting light comprising subjecting the device to an applied voltage (Figure 1, Column 2 Lines 32-34 and Column 8 Lines 36-49).

Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Conley '053 at the time this invention was made, or was subject to a joint research agreement at the time this invention was made. However, Conley '053 additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application,



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and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

12. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Conley '044.

Conley '044 teaches an organic light emitting diode device (Abstract, Figure 1 and Column 1, Lines 6-10) comprising the elected anthracene host as shown by compound F when  $R_1$ - $R_5$  are hydrogen and  $R_6$  is a phenyl group (Column 4 Lines 15-56, Column 13 Lines 27-62 and Claim 4)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Column 1 Lines 64-65 and Compound L2 Column 14 Lines 55-65) capable of emitting white or blue light (Column 14 Lines 30-33 and Claim 13) and a method of emitting light comprising subjecting the device to an applied voltage (Column 8 Lines 43-55 and Claim 12).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application

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and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

13. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 25-27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cosimbescu '969.

Cosimbescu '969 teaches an organic light emitting diode device (Abstract, Figure 1 and ¶0001) comprising the elected anthracene host as shown by compound F when R<sub>1</sub>-R<sub>5</sub> are hydrogen and R<sub>6</sub> is a phenyl group (¶¶0105-0112)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L2, ¶0121) capable of emitting white or blue light (¶¶0105 and 0121) and including multiple light emitting layers (0085) including those with rubrene as the light emitter (¶0121) and a method of emitting light comprising subjecting the device to an applied voltage (¶¶0023-0025).

Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Cosimbescu '969 at the time this invention was made, or was subject to a joint research agreement at the time this invention was made. However, Cosimbescu '969 additionally qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

14. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21 and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cosimbescu '853.

Cosimbescu '853 teaches an organic green-light emitting diode device (Abstract, Figure 1 and ¶0002) comprising the elected anthracene host as shown by compound F when R<sub>1</sub>-R<sub>5</sub> are hydrogen and R<sub>6</sub> is a phenyl group (¶¶0109-0116 and Claim 11)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L2, ¶0125) and including multiple light emitting layers (0088) including those with rubrene as the light emitter (¶0125).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application

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and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

15. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24-27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ricks.

Ricks teaches an organic white- or blue-light emitting diode device (Abstract, Figure 1 and ¶0002) comprising the elected anthracene host as shown by compound F when R<sub>1</sub>-R<sub>5</sub> are hydrogen and R<sub>6</sub> is a phenyl group (¶¶0127-0134) —from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L2, ¶0142 and Claim 27) and including multiple light emitting layers (0107) including those with rubrene as the light emitter (¶0152) and a method of emitting light comprising subjecting the device to an applied voltage (¶¶0003-0005).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not

claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

16. Claims 1, 3-6, 8-10, 12, 13, 15, 17, 18, 21, 24, 27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Conley '329.

Conley '329 teaches an organic light emitting diode device (Abstract, Figure 1 and ¶0001) comprising the elected anthracene host as shown by compound F when R<sub>1</sub>-R<sub>5</sub> are hydrogen and R<sub>6</sub> is a phenyl group (¶¶0133-0140)—from this structure and its similar use, one of ordinary skill in the art would immediately envisage the elected anthracene host—and the elected light emitting compound (Compound L1, ¶0149 and Claim 24) capable of emitting white or blue light (¶0006) and including multiple light emitting layers (0111) including those with rubrene as the light emitter (¶0149) and a method of emitting light comprising subjecting the device to an applied voltage (¶¶0002-0003).

Applicant has provided evidence in this file showing that the invention was owned by, or subject to an obligation of assignment to, the same entity as Conley '329 at the time this invention was made, or was subject to a joint research agreement at the time this invention was made. However, Conley '329 additionally qualifies as prior art under

another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 U.S.C. 103(c).

Applicant may overcome the applied art either by a showing under 37 CFR 1.132 that the invention disclosed therein was derived from the invention of this application, and is therefore, not the invention "by another," or by antedating the applied art under 37 CFR 1.131.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached 6:00 AM – 4:30 PM Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

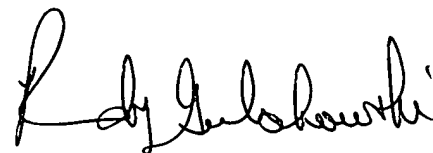
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A handwritten signature in black ink, appearing to read "Randy Gulakowski". The signature is fluid and cursive, with the first name "Randy" and last name "Gulakowski" clearly distinguishable.

RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700